

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**TONIE SMITH, Individually & on behalf  
of the Wrongful Death Beneficiaries of  
GARY SMITH, Deceased**

**PLAINTIFF**

**VS.**

**CAUSE NO. 2:04CV055-P-B**

**PACCAR, INC. d/b/a PETERBILT MOTORS  
COMPANY, ET AL.**

**DEFENDANT**

**ORDER**

On March 1, 2005, pursuant to a motion by Defendant Paccar, Inc., this Court entered an Order [ dckt. no. 133 ], prohibiting Defendant/Intervenor Federated Mutual Insurance Company (“Federated”) and any of its agents or contractors from destroying any evidence, physical or documentary, relevant or related to this litigation. The Order further directed Federated to make available to the parties to this suit any non-privileged evidence held by such agents or contractors.

On December 28, 2006, the undersigned magistrate judge received a letter from Rick Eley of Investigative Services Companies, LLC, a contractor engaged by Federated to investigate and collect evidence related to this suit, requesting that the Court order the proper party to pay him the fee for the storage and preservation of the evidence collected by him and to pay him a deposition fee. The undersigned invited responses from the parties to Mr. Eley's request for court intervention, and the parties have responded. All correspondence received by the Court to date has been entered and made a part of the record of this case.

Having considered the matter, I am of the opinion that court intervention is not warranted. There are other means outside the scope of this suit through which Mr. Eley may assert his claims against the appropriate party ( or parties ), if his claims cannot otherwise be resolved. Nevertheless, the Court does hereby relieve Mr. Eley from any further responsibility for the storage and preservation of the evidence collected by him. If arrangements for the payment of the fee for storage and preservation of the evidence cannot be made to the satisfaction of Mr. Eley, he may dispose of such evidence as he deems advisable.

A copy of this Order shall be mailed this date to Mr. Eley by first class mail at the following address:

Investigative Services Companies, LLC  
P. O. Box 34846  
Bartlett, TN 38184.

**SO ORDERED** this 9th day of January, 2007.

/s/ Eugene M. Bogen  
**United States Magistrate Judge**